MULTIMEDIA UNIVERSITY

STUDENT ID NUMBER

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 2, 2019/2020

UMY1622 MALAYSIAN LEGAL SYSTEM II

(All Sections/ Groups)

14 MARCH 2020
Reading Time: 9.00 am - 9.15am
(15 Minutes)
Answering Time: 9.15 am – 12.15 pm
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.

2. This Question paper consists of 2 pages with 5 Questions only.

3. Attempt **FOUR** out of **FIVE** questions. All questions carry equal marks and the distribution of the marks for each question is given.

4. Students are allowed to bring into Examination Hall CLEAN and ORIGINAL copy of:
   i. Courts of Judicature Act 1964
   ii. Federal Constitution of Malaysia
   iii. Criminal Procedure Code

5. Please write all your answers in the Answer Booklet provided.

QUESTION 1

(a) Yusoff, a non violent person, was arrested by a police officer in his house. He did not put up a struggle but the police officer roughed Yusoff up before handcuffing him. He was then taken to the police station for questioning. During the questioning, he was not informed of his charges. Furthermore, he was tied to his seat and was denied any communication with any person as the police did not want any interference from outside to aid Yusoff in their case. Yusoff was kept in a lock-up for days before being produced in front of a magistrate.

Advise Yusoff.

(15 Marks)

(b) While walking home from his Dota Tournament, Daniel was stopped by two policemen. He was asked by one of the policemen to show his identity card while the other policeman searched his body. As nothing incriminating was found, the two policemen released him.

Discuss under what provisions of the Criminal Procedure Code the police may perform a body search

(10 Marks)

(Total: 25 Marks)

QUESTION 2

Tan Sri Tommy Thomas is the current Attorney General of Malaysia. It has been said that he holds the position of one of the most powerful man in Malaysia. Discuss whether you agree or not with the statement. Your answer should be supported with Articles from the Federal Constitution and relevant law cases.

(Total: 25 Marks)

QUESTION 3

The existing provisions in the Federal Constitution and other legislations are adequate to secure the independence of the Judiciary.

Do you agree with the statement above? Discuss.

(Total: 25 Marks)

Continued...

QUESTION 4

(a) What are the superior courts and why they are so called? Discuss the jurisdiction and powers of the superior courts in Malaysia

(12 Marks)

(b) Explain what is meant by supervisory, revisionary, and review powers of the Superior courts.

(13 Marks)
(Total: 25 Marks)

QUESTION 5

Malaysia practices a dual legal system with both Common Law and Syariah Law operating simultaneously. This is provided by the insertion of Clause (1A) into Article 121 of the Federal Constitution.

Discuss the conflicts arising from this amendment; your answer should be illustrated with relevant law cases.

(Total: 25 marks)

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